

# **COMMITTEE OF THE WHOLE**

**Room 104 – City Hall**

**September 8, 2003**

**4:15 P.M.**

## PAGE

1. Coalition of Greater Minnesota Cities Update

(1-8) 2. 2:00 A.M. Liquor Sales (attachment)

(9-10) 3. CUDE Recommendation on Animated Signs  
(attachment)

# Memo

**To:** Mayor and City Council  
**From:** Stevan E. Kvenvold *SEK*  
**Date:** September 4, 2003  
**Subject:** 2:00 a.m. Liquor Sales —

The 2003 State Legislature passed legislation which allows for the sale of alcoholic beverages on liquor licensed premises until 2:00 a.m. on all days of the week.

Previously, no liquor sales could be made after 1:00 p.m., although cities could allow for the consumption of liquor on licensed premises for however long desired. Current Rochester ordinances allow liquor sales to 1:00 a.m. with consumption until 1:30 a.m.

The City of Rochester has received a request from Tom Murphy to sell liquor until 2:00 a.m., while allowing individuals to consume liquor on premises until 2:30 a.m.

Businesses or individuals possessing a liquor license or a 3.2 beer license must make application to the State and pay a separate fee to the State. However, before applications may be submitted to the State, the City Council must decide if they wish to allow liquor sales to 2:00 a.m. and amend the current City ordinance.

I sent a letter to all license holders requesting their opinion on the 2:00 a.m. sales matter. I received the following input:

McMurphy's/Aquarius Club  
Holiday Inn South  
C.J.'s  
Love Ugly  
Rookies  
Best Western Soldier's Field

in favor of 2:00 a.m. sales  
in favor of 2:00 a.m. sales  
in favor of 2:00 a.m. sales  
in favor of 2:00 a.m. sales  
in favor of 2:00 a.m. sales  
in favor of 2:00 a.m. sales

Kathy's Pub  
Michaels  
TGI Friday's

Opposes 2:00 a.m. sales  
No interest  
No interest

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I am in favor of extending the liquor sales to 2:00 a.m., with closing at 2:30 a.m. and recommend your approval to amend the ordinance to allow for this to happen.

Many of our citizens work different shifts and not everybody is able to go out at the same times. The longer hours may be of some benefit to those individuals who do not work a normal 8:00 a.m. to 5:00 p.m. work schedule.

The City amended its bar closing time requirements from 1:00 a.m. to 1:30 a.m. several years ago, and I do not know of any adverse effects to the community of the extended time period.

Enclosures

# Memo

**To:** All Holders of On-Sale Intoxicating Liquor and 3.2 Beer Licenses  
**From:** Stevan E. Kvenvold – City Administrator *SK*  
**Date:** June 16, 2003  
**Subject:** 2:00 a.m. Closing

The 2003 State Legislature passed legislation allowing for the sale of alcoholic beverages on liquor licensed premises until 2:00 a.m. on all days of the week.

Businesses or individuals possessing a liquor license or 3.2 beer license must make application to the State of Minnesota and pay a separate fee to the State. However, before applications may be submitted to the State, the City Council must decide if they wish to allow liquor sales until 2:00 a.m., and, if so, the current City ordinance must be amended to provide for liquor sales until 2:00 a.m.

The City of Rochester has received one request to sell liquor until 2:00 a.m. while allowing individuals to consume the liquor on premises until 2:30 a.m. Prior to taking any action on this request, the City Council would appreciate hearing from you on any interests which you may have on extending the liquor sales until 2:00 a.m.

Please direct any comments which you may have to:

Stevan E. Kvenvold, City Administrator  
Room 266, City Hall  
201 4<sup>th</sup> Street SE  
Rochester MN 55904  
(507) 285-8082  
[skvenvold@ci.rochester.mn.us](mailto:skvenvold@ci.rochester.mn.us)

c: Mayor and City Council  
G. Neumann  
J. Scherr  
R. Peterson

*C.J.'s in favor of 2:00 am closing!*



P.O. BOX 815 / 1630 SOUTH BROADWAY  
ROCHESTER, MINNESOTA 55903  
PHONE (507) 288-1844

September 4, 2003

Mr. Steve Kvenvold:

The Rochester Lodging and Hospitality Association, and the Rochester Convention and Visitors Board voted in favor of extending the bar hours until 2 A.M.

In order to remain competitive with other convention markets we need to be able to offer the same hours in our lounges as they do.

Georgianne Johnson C.H.A.  
General Manager

A handwritten signature in cursive script, appearing to read 'Georgianne Johnson'.

Holiday Inn South  
1630 South Broadway  
Rochester, MN 55904

Kenvold, Steve

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**From:** Joe Cody [cody@borderstates.net]  
**Sent:** Thursday, July 17, 2003 9:24 AM  
**To:** Kenvold, Steve  
**Subject:** 2 AM Closing Time

Mr. Kenvold

As the owner of TGI Friday's in Rochester I have no interest in extending our closing hour to 2 AM. We have had that law in Iowa for all of the 22 years that our TGI Friday's has been in West Des Moines. It is a non-issue for us. I don't intend to apply for a late license if it is available.

While I am a non-smoker and am personally against smoking the Olmstead smoking ban has hurt our bar business by quite a lot. It is completely unfair because while we depend on bar sales in our bar the Olive Garden, Red Lobster and other restaurants that sell liquor primarily in their dining room are relatively unaffected by the arbitrary decisions of the county commissioners.

Joe Cody  
CEO  
RESTECH Partners, Inc.  
320-231-3750 x11

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***Rookie's***  
***Sports Grill & Bar***  
***1517 16<sup>th</sup> Street SW***  
***Rochester, MN 55902***

Steve,

Concerning the proposed 2am bar time, Rookies is in favor of the new closing times, I feel the extra hour will generate extra revenues. Also if Rochester does not allow for the extra hour it could put Rochester businesses at a disadvantage. With potential customers driving to near by towns that stay open until 2am. I also feel customers would be allowed to continue there evening under controlled settings rather than after bar parties that are common these days. Feel free to call me to discuss this matter.

Thank You, Scott Schneider (Owner rookies) 252-5161

**Kvenvold, Steve**

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**From:** Myron Salz [myron@soldiersfield.com]  
**Sent:** Wednesday, August 06, 2003 4:37 PM  
**To:** Kvenvold, Steve  
**Subject:** 2:00 am closing legislature

Mr. Kvenvold.

I have received your request for input concerning amending the City ordinance to allow liquor sales until 2:00 am and patrons to consume liquor on premises until 2:30 am.

As a hotel based restaurant and lounge, I am definitely in favor of the change in ordinance. After reviewing our options if the later time frame was available, I have determined that it would definitely be an economic benefit to our establishment. Our bartenders receive numerous requests from sports groups that are staying in the hotel to keep the lounge open past 1:30 am. Many say that bars from their hometown area stay open later and they don't understand why Rochester bars and establishments close so early.

I encourage the City Council to adopt the new hours and amend the city ordinance accordingly. I feel that many establishments would receive an economic boost that we all desperately need.

Thank you for your time and consideration.

Sincerely,

Myron J. Salz  
President  
Best Western Soldiers Field Tower & Suites  
Shady Hill Grille





**From:** Peterson, Roger  
**Sent:** Wednesday, July 16, 2003 1:22 PM  
**To:** Kvenvold, Steve  
**Subject:** RE: 2:00AM Closing

There has been only one change in on-sale closing hours in Minnesota recent enough to lend itself to analysis of crash data. On August 1st, 1989, the closing hour for on-sale liquor establishments changed from midnight on Sundays to 1:00 am on Mondays. (The closing time on other nights of the week was 1:00 am.) A study was conducted to determine if accidents increased as a result. Crash data was analyzed for a period of four years before and four years after the law change. A comparison of the two time periods indicates that early morning crashes, (defined as occurring between midnight and 4:00 am), were declining, (due to a 4% annual reduction in alcohol related crashes from 1986 to 1993), except for the hours affected by the law change. Between 1:00 am and 2:00 am on Mondays accidents increased by 19%. Between 2:00 am and 3:00 am they increased by 14.5%. All other hours showed a decline ranging from 14 to 50%.

The conclusion of the study suggests that a result of extending on-sale closing hours is an increase in highway crashes in the time period affected by the change. Further, such an increase is a net increase in the total number of accidents - not the result of accidents being shifted to a later hour. It also indicates that the unique nature of Sunday sales suggests that a change in closing hours on other days of the week would have an even more pronounced effect than the change in the Sunday closing hour.

(The study cited above was obtained from John Williams of the Research Department of the Minnesota House of Representatives. Copies are available upon request.)

Because the state of Wisconsin has had a 2:00 am bar closing time for so many years, limited data precludes an analysis of the effect of the later closing time. A state to state comparison indicates that during the year 2000, (the most recent year such statistics are available for comparison), Minnesota had 625 traffic fatalities, 32% of which were alcohol related while Wisconsin had 745 fatalities, 41% of which were alcohol related. These numbers should not be considered a direct comparison due to the many variables between the 2 states.

Please let me know if I can be of additional assistance - Roger

-----Original Message-----

**From:** Kvenvold, Steve  
**Sent:** Monday, July 14, 2003 3:47 PM  
**To:** Peterson, Roger  
**Subject:** 2:00AM Closing

Roger, in the next few weeks, I will be scheduling a proposed 2:00AM bar closing for the City Council's consideration. The City Council will be interested in the viewpoint of the Police Dept. on this issue. I would also be interested in any information which you have on the State of Wisconsin in regards to later bar closing. Wisconsin seems to allow for later closing hours for many years and I wonder if anyone has done any studies to show how those later bar closings may affect public safety. Stevan

# Memo

**To:** Mayor & Common Council

**CC:** Steve Kvenvold, Gary Neumann, Terry Adkins, Pat Alfredson, John Harford,  
CUDE members, CPZC members

**From:** Terry Spaeth

**Date:** 7/30/2003

**Re:** CUDE's recommendation regarding a potential zoning ordinance amendment  
pertaining to "animated signs"

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As you are aware from previous correspondence, CUDE has concerns related to the erection of animated signs within the City. Over the past several months, this issue has been discussed with CUDE and the CPZC. The CPZC does not share the same concerns as CUDE and feels there is no need to amend the signage provisions of the City zoning ordinance at this time as it pertains to this issue.

After informing the CUDE members of the CPZC position, the CUDE Committee met again on July 17, 2003 to further discuss the issue of "animated signs". The outcome of that discussion is that CUDE's recommendation to the Council is to initiate a zoning ordinance amendment that would ban "animated signs" within the City. The reasons given focused predominantly on public safety concerns from the combination of light intensity and flashing movements associated with these signs. Several members also brought up aesthetic concerns, but the major concern was related to public safety, predominantly to motorists traveling on the adjacent roadways. I believe Steve will be putting this item on a future COW agenda for Council discussion.

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